IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

Crl.MC.No. 979 of 2007()

CRIME NO.55/04 OF THIRUVANANTHAPURAM EXCISE RANGE.

PETITIONER:

S. HARVY, LICENSEE,
T.C.15/2002-03,
THIRUVANANTHAPURAM EXCISE RANGE,
RESIDING AT PINARUNINNATHIL, KOTTUKAL,
NEYYATTINKARA.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE EXCISE INSPECTOR,
EXCISE RANGE, THIRUVANANTHAPURAM.

2. THE ASST. EXCISE COMMISSIONER,
THIRUVANANTHAPURAM.

3. THE COMMISSIONER OF EXCISE,
KERALA STATE,
PUBLIC OFFICE BUILDING, MUSEUM,
THIRUVANANTHAPURAM.

BY P.P. SRI.S.U. NAZAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 979 OF 2007

Dated this the 27th day of March, 2007

ORDER

The learned counsel for the petitioner submits, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala v. Unni (**2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of Crime No.55/04 of Thiruvananthapuram Excise Range, against the petitioner is hereby quashed.

(R. BASANT, JUDGE)

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